IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE

CIVIL APPLICATION NO. 672 OF 2005
IN
SECOND APPEAL (ST) NO. 3489 OF 2005

Office Notes, Office Memoranda of of Coram, appearances, Court's orders and Registrar's orders : Court's or Judge's orders

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CORAM: P.V. KAKADE, J.

DATED: 2ND SEPT., 2005

P.C.:

1. Heard learned counsel for both parties. Perused the record.

2. This is an application seeking permission to file the present second appeal as heirs and legal representatives of the deceased original plaintiff one Anandrao Patil for challenging the decree dated 27.9.1999 passed by the Civil Judge, J.D., Vasai and also the judgment and decree dated 29.9.2003 passed by the learned Addl. District Judge, Palghar in Civil Appeal No. 146 of 1999.

3. On perusal of the record it is found that this application is technical in nature as leave is required to be sought

for to present the second appeal by heirs and legal representatives of deceased - original plaintiff and I do not see any reason as to why leave should not be granted in the facts and circumstances.

4. After hearing both sides, I am satisfied that the applicant deserves leave which is sought for and hence the application is made absolute in terms of prayer clause (a) and stands disposed of with no order as to costs.

5. The learned counsel for the applicant submits that the application for condonation of delay is pending hearing. Those applications be placed on board after two weeks for hearing. The learned counsel for the respondent to file reply during the said time.

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